



MICHIGAN ASSOCIATION FOR PURE BRED DOGS

Founded 1964

"Promoting Responsible Dog Ownership"

Committee: House Committee on Regulatory Reform
In Opposition to: House Bill 5095
Date: June 3, 2014

Good Morning Chairman Crawford and Members of the House Committee on Regulatory Reform:

I am Bob Darden, dog owner and President of Michigan Association for Pure Bred Dogs. Founded in 1964 MAPBD has a fifty year history promoting responsible dog ownership in Michigan. MAPBD is a federation representing dozens of Michigan dog clubs and their members. Through our volunteer effort, our members and member clubs work with legislators and administrators at the state, county, township and local levels of government to keep Michigan a dog-friendly state for all dogs and dog owners.

MAPBD opposes House Bill 5095 and respectfully request that this committee oppose the bill.

HB 5095 would significantly amend 1969 PA 287 Pet Shops, Dog Pounds, and Animal Shelters act. One change introduced is to redefine the term kennel, page 4 line 12. Where as HB 5095 defines the term "Large-scale dog breeding kennel", in the original bill the term was "Large-scale commercial dog breeding kennel" the term kennel is already defined in law. The size of the kennel (scale), the primary purpose of the kennel (breeding) and, as in the original bill, the for profit/remunerative nature of the kennel (commercial) is already defined in the Dog Law of 1919, as amended, MCL 287.270 "Kennel" defined. See attached, page three. There is no need for a change.

Another change with redefining kennel is moving the newly created entity to another set of regulations under the Michigan Administrative Code, page 5 lines 2-25. Minimum standards for all kennels is already regulated. Dog kennels are regulated by MDARD under R 285.129.1 and 2 of the Michigan Administrative Code, commonly referred to as Regulation No. 129. Dog Kennels. See attached, page four.

There have been two work sessions studying Senate Bill 560, the companion bill to HB 5095. From a licensing and regulatory oversight perspective the question is why then the need to change the law?

Simply put, MDARD wants to have more regulatory authority to investigate/inspect kennels. Historically, twenty-some years ago, MDARD gave dog and kennel licensing and regulatory oversight, including kennel inspections, to counties that had, essentially, an animal control officer or animal control agency. Currently, due to fiscal constraints, MDARD does not conduct any regular kennel inspections.

The question then is how do they become involved in the regulatory/enforcement process currently and how would this bill change that. The answer given was that their involvement is now complaint driven and, due to fiscal constraints, most likely will continue to remain complaint driven.

Then the question becomes what does MDARD now do when they receive a complaint. The response was they contact the animal control officer local to the complaint. To be a part of investigation the comment was that MDARD has to be "invited" to participate by the local authorities.

There in lies the problem, as perceived by the proponents of the bill, where there is no local authority there is no way for MDARD to become involved. Unfortunately, that was a very misleading response from the panel supporting the bill. Under Regulation No. 129. Dog Kennels R 285.129.1 (c) "If no such...then such inspection shall be made on behalf of the commissioner of agriculture by the sheriff or chief of police.

That is what exactly happened in a 2012 complaint concerning a kennel in Missaukee County. The county does not have animal control. The Missaukee County Sheriff Department, acting as agent for the state, along

with Roscommon County Animal Control Officer Terry MacKillop initiated the investigation and ultimately closed the kennel operation.

This is an unfunded bill. MDARD does not have the time or the budget for the five pages of additional regulations that they will be responsible for enforcing. Kennels that are not licensed or registered now will not license or register under HB 5095. There have been twenty major investigations involving kennels in the last ten years. I agree that is twenty too many, though the majority were presumably unlicensed. Unfortunately, investigations will have to continue on a case by case basis because those types of kennels will not get licensed and will not register under HB 5095.

MAPBD has a vested interest in the proper care of all animals, dogs in particular. MAPBD does not condone any form of animal cruelty or inhumane treatment. Michigan Association for Pure Bred Dogs respectfully requests that this committee oppose House Bill 5095.

Thank you,

A handwritten signature in dark ink, appearing to read "Bob Darden". The signature is stylized, with a large, sweeping "B" and "D".

Bob Darden
President, MAPBD

DOG LAW OF 1919 (EXCERPT)
Act 339 of 1919

287.270 "Kennel" defined; kennel license; fee; tags; certificate; rules; inspection; exception.

Sec. 10. For the purposes of this act, a kennel shall be construed as an establishment wherein or whereon 3 or more dogs are confined and kept for sale, boarding, breeding or training purposes, for remuneration, and a kennel facility shall be so constructed as to prevent the public or stray dogs from obtaining entrance thereto and gaining contact with dogs lodged in the kennel. Any person who keeps or operates a kennel may, in lieu of individual license required under this act, apply to the county treasurer for a kennel license entitling him to keep or operate a kennel. Proof of vaccination of dogs against rabies shall not be required with the application. The license shall be issued by the county treasurer on a form prepared and supplied by the director of the department of agriculture, and shall entitle the licensee to keep any number of dogs 6 months old or over not at any time exceeding a certain number to be specified in the license. The fee to be paid for a kennel license shall be \$10.00 for 10 dogs or less, and \$25.00 for more than 10 dogs. A fee of double the original license fee shall be charged for each previously licensed kennel, whose kennel license is applied for after June 1. With each kennel license the county treasurer shall issue a number of metal tags equal to the number of dogs authorized to be kept in the kennel. All the tags shall bear the name of the county issuing it, the number of the kennel license, and shall be readily distinguishable from the individual license tags for the same year.

The county treasurer or county animal control officer shall not issue a kennel license for a new kennel under the provisions of this act unless the applicant furnishes an inspection certificate signed by the director of the department of agriculture, or his authorized representative, stating that the kennel to be covered by the license complies with the reasonable sanitary requirements of the department of agriculture, and that the dogs therein are properly fed and protected from exposure commensurate with the breed of the dog. The director of the department of agriculture shall promulgate reasonable rules with respect to the inspections in the manner prescribed by law. The inspection shall be made not more than 30 days before filing the application for license. The provisions of this act shall not be effective in the counties of this state that are operating under the provisions of section 16 wherein the board of supervisors have appointed a county animal control officer with certain powers and duties, unless the counties by a resolution duly adopted by the board of supervisors accept the provisions of this act.

History: 1919, Act 339, Eff. Aug. 14, 1919;—Am. 1925, Act 322, Eff. Aug. 27, 1925;—CL 1929, 5254;—Am. 1933, Act 79, Imd. Eff. May 19, 1933;—Am. 1945, Act 245, Eff. Sept. 6, 1945;—CL 1948, 287.270;—Am. 1953, Act 172, Imd. Eff. June 4, 1953;—Am. 1969, Act 195, Eff. Mar. 20, 1970;—Am. 1972, Act 349, Imd. Eff. Jan. 9, 1973.

Administrative rules: R 285.129.1 of the Michigan Administrative Code.

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Testimony before House Regulatory Reform Committee Opposing HB 5095

Kim Cochran – Michigan Association for Pure Bred Dogs

St Clair Kennel Club

Under the proposed bill 5095, A new definition “large scale breeding kennel” is established. A “large scale breeding kennel” is defined as having more than 15 intact female dogs over the age of 4 months. Overlooking the fact that female dogs are not fertile at 4 months of age, there are many reasons to have a female dog kept intact. Only one of them is for immediate use in breeding. Some dog sport competition venues require that competing animals of either gender be intact. There are many dog sport competitors who feel that keeping a competing dog, of either sex, intact increases their competitive drive. It may be the intent to postpone evaluating the breeding potential of an animal until after evaluating its competitive potential and breed desirable traits (something that is impossible at the tender age of 4 months). If one neuters the animal prior to evaluation, it is impossible to reverse the action to perpetuate any desirable features the animal may exhibit.

There is growing evidence that not spaying a bitch may enhance the lifespan of that bitch. Dr. David Waters, an award winning Professor of Comparative Oncology in the in the School of Veterinary Medicine and Associate Director of the Center on Aging and Life Course at Purdue University, uses pet dogs as models for Dr. Waters has been Executive Director of the Gerald P. Murphy Cancer Foundation that is committed to defeating cancer. Dr. Waters has, for some years, been studying Rottweilers over thirteen years of age. Thirteen is a Rottweiler is equated to 100 years old in a human. While all of the old Rottweilers he found were female, all had been neutered at a post reproductive age span whether they were actually bred or not. None of the dogs in his study were spayed at a pre-reproductive age. Keeping a bitch intact until at least middle aged, may well enhance her life span.

Because bitches, generally, have litters, rather than single puppies, even if I breed for my own competitive purposes, there will be “extra” puppies in any given litter. If I choose to actually sell any of these “extras”, there are people who will contend that the act of selling those puppies would make me a “commercial breeder”, whether my actual intent is to show a “commercial” profit or not.

Under 5095, "large scale dog breeding kennels" would be required to register with the Michigan Department of Agriculture and Rural Development. Under the Dog Law of 1919, all kennels, of purpose or size (in excess of three dogs) are required to have at least an initial inspection by MDARD or their designated alternate and an annual inspection prior to license renewal. The argument has been made that the State of Michigan needs this legislation to prevent and control illegal dog breeding operations. There are already effective laws on the books providing for the closure of improperly operated kennels and allowing for the removal of the involved animals as exhibited by the seizures of animals used to illustrate the claimed need!

Most of the supposed targets of this proposed legislation, illegal dog breeding facilities, operate already in violation of state and local licensing and zoning laws. If a facility, be it a dog breeding kennel or an illegal drug manufacturing lab, making the activity more illegal will not stop the activity. At best, it will only drive the operation further underground and make it harder to find.

Respectfully submitted,

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